

Attorney's Docket No. 90703

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
**(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,**  
**CONTINUATION OR CIP)**

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: *(check one applicable item below)*

- ☐ original  
☐ design  
☐ supplemental

**NOTE:** *If the declaration is for an international Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.*

- ☐ national stage of PCT

**NOTE:** *If one of the following 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.*

- ☒ divisional  
☐ continuation  
☐ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

**WARNING:** *If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**GROUNDWATER AND SOIL REMEDIATION WITH MICROPOROUS  
 DIFFUSION APPARATUS**

**SPECIFICATION IDENTIFICATION**

the specification of which: *(complete (a), (b) or (c))*

- (a) ☒ is attached hereto.  
 (b) ☐ was filed on \_\_\_\_\_ as ☐ Serial No. 0 / \_\_\_\_\_  
 or ☐ Express Mail No., as Serial No. not yet known \_\_\_\_\_  
 and was amended on \_\_\_\_\_ *(if applicable).*

**NOTE:** *Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

*(Declaration and Power of Attorney [1-1]-page 1 of 4)*

- (c) ☒ was described and claimed in PCT International Application.  
No. PCT US 96/18464 filed on November 15, 1996 and as  
amended under PCT Article 19 on \_\_\_\_\_ (if any).

#### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

☐ In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.97.

#### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United State of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) ☐ no such applications have been filed.  
(e) ☒ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

#### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

| COUNTRY            | APPLICATION NUMBER | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED<br>UNDER 37 USC 119                                |
|--------------------|--------------------|--------------------------------------|---|
| pct us<br>96/18464 |                    | 15/11/96                             | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
|                    |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |
|                    |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |
|                    |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |
|                    |                    |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |

#### ALL FOREIGN APPLICATION(S) IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

(Declaration and Power of Attorney [1-1]-page 2 of 4)

### POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(List name and registration number)*

Thomas A. Kahrl, Esq.

28,225

(check the following item, if applicable)

☐ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:  
*(Name and Telephone number)*

Thomas A. Kahrl, Esq.  
Madaket Place, Suite 7A  
766 Falmouth Road  
Mashpee, MA 02649

Thomas A. Kahrl, Esq.  
(508) 477-3772

### DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

### SIGNATURE(S)

Full name of sole or first inventor William B. Kerfoot, Ph.D.  
Inventor's signature *William B. Kerfoot*  
Date 11/14/98 Country of Citizenship U. S. A.  
Residence 49 Ransom Road, Falmouth, Massachusetts 02540  
Post Office Address \_\_\_\_\_

Full name of second joint inventor, if any \_\_\_\_\_  
Inventor's signature \_\_\_\_\_  
Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_  
Residence \_\_\_\_\_  
Post Office Address \_\_\_\_\_

(Declaration and Power of Attorney [1-1]-page 3 of 4)

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH  
FORM A PART OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors. Number of pages added \_\_\_\_\_.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_\_.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_\_.

\* \* \*

- ☒ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.
  - ☒ Number of pages added 2

\* \* \*

- ☐ Authorization of attorney(s) to accept and follow instructions from representative

\* \* \*

If no further pages form a part of this Declaration then end this declaration with  
this page and check the following item

- ☐ This declaration ends with this page

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION**

(complete this part only if this is a **divisional**, continuation or CIP application)

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**

I hereby claim the benefit under Title 35, United States Cod, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and , insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 1112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of the application.

| PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS<br>DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120: |                    |  |                    |           |  |
|---|--------------------|--|--------------------|-----------|--|
| U.S. APPLICATIONS   |                    |  | STATUS (check one) |           |  |
| U.S. APPLICATIONS   | U.S. FILING DATE   | PATENTED                                 | PENDING            | ABANDONED |  |
| 1. 29/038,499   | May 5, 1995        |  |                    | X         |  |
| 2. 08/638,017   | April 25, 1996     |  | X                  |           |  |
| 3. 08/756,273   | November 25, 1996  |  | X                  |           |  |
| PCT APPLICATIONS DESIGNATING THE U.S.   |                    |  |                    |           |  |
| PCT APPLI-<br>CATION NO.  | PCT FILING<br>DATE | U.S. SERIAL<br>NOS. ASSIGNED<br>(if any) |                    |           |  |
| PCT<br>US96/18464   | 11/15/96           |  |                    | X         |  |
| 5.  |                    |  |                    |           |  |
| 6.  |                    |  |                    |           |  |

**35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS**

| ABOVE<br>APPLICATION<br>NO. | DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY<br>CLAIMED UNDER 35 USC 119 |                                      |                                     |
|-----------------------------|--|--------------------------------------|-------------------------------------|
|                             | Country Application No.  | Date of filing<br>(day, month, year) | Date of issue<br>(day, month, year) |
| 1.                          |  |                                      |                                     |
| 2.                          |  |                                      |                                     |
| 3.                          |  |                                      |                                     |
| 4.                          |  |                                      |                                     |
| 5.                          |  |                                      |                                     |
| 6.                          |  |                                      |                                     |

(Added Page to Combined Declaration and Power of Attorney for Divisional Continuation  
or CIP Application [1-2.1]-page 2 of 2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William B. Kerfoot  
Serial No. : 09/606,952  
Filed : June 29, 2000  
Title : MICROPOROUS DIFFUSION APPARATUS

Art Unit : Unknown  
Examiner : Unknown

Commissioner for Patents  
Washington, D.C. 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b), I, William B. Kerfoot, inventor and owner of the entire right, title and interest in the patent application identified above hereby revokes all powers of attorney previously granted in the application and appoints:

Denis G. Maloney  
Reg. No. 29,670  
FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, MA 02110-2804

with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

All correspondence regarding the application should be sent to DENIS G. MALONEY at:

FISH & RICHARDSON P.C.  
225 Franklin Street  
Boston, MA 02110-2804

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231

Date of Deposit

April 3, 2001

Signature

Marie Collins  
Marie Collins

Typed or Printed Name of Person Signing Certificate

Applicant : William B. Kerfoot  
Serial No. : 09/606,952  
Filed : June 29, 2000  
Page : 2

Attorney's Docket No.: 10578-002004

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 3/29/01

  
\_\_\_\_\_  
MR. WILLIAM KERFOOT  
President

Title: \_\_\_\_\_

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
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